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Jennifer Amys

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EXAMINER

ADAMS, CHARLES D

ART UNIT

PAPER NUMBER

2164

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/666,728

Applicant(s)

AMYS ET AL.

Examiner

CHARLES D. ADAMS

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Remarks***

1. In response to communications filed on 25 June 2008, claims 1 and 3 are amended and claim 2 is cancelled. Claims 1 and 3 are pending in the application.

### ***Specification***

2. Claim 3 is objected to because of the following informalities:  
  
A memory is claimed. However, no recitation of memory, or the technologies embodied by said memory, exist in the specification. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:  
  
Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
4. Claim 3 is rejected under 35 U.S.C. 101 because the claim 3 lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. Though the claims are directed towards a system, it is not clear that hardware is claimed. A 'processor' is claimed, yet the specification mentions 'retrieval processors' that are software based (see 12:13-27). In addition to this, no recitation of memory, or the technologies embodied by said memory, exists in the specification. Therefore, it is not clear that the system is a machine or manufacture. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical

Art Unit: 2164

compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” Both types of “descriptive material” are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lawry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-186, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abjanic (US Patent 6,732,175) in view of Horn et al. (US Pre-Grant Publication 2002/0156688).

As to claim 1, Abjanic teaches a method comprising:

receiving, from two or more different software systems, electronic data relating to a transaction involving documentation communicated in an electronic form, wherein the electronic data relating to the transaction is produced by one of the two or more different software systems from which the electronic data is received (see 3:10-22, 3:52-65, 4:21-32. Multiple clients exist, and application data may be generated on them);

Processing copies of the electronic data to identify electronic documentation items and at least one key value associated with an electronic documentation item (see 4:43-49, 5:51-67);

Abjanic does not teach using the at least one key value to look up a unique transaction identifier associated with the transaction, wherein the transaction includes one unique transaction identifier and two or more associated key values;

Horn et al. teaches using the at least one key value to look up a unique transaction identifier associated with the transaction, wherein the transaction includes one unique transaction identifier and two or more associated key values (see paragraphs [0508], [0517], [0519]-[0521]. Paragraph [0521] states that queries may be used to identify the purchase of a particular product during a particular shopping session. Thus, an ItemID can be used to identify a Unique Transaction ID)

Abjanic as modified teaches:

wherein each key value is a key value used to identify the transaction within one of the two or more different software systems from which the electronic data relating to the transaction was received (see Horn et al. paragraphs [0517] and [0519]-[0521]. The ItemID key is used to identify the transaction that occurred within one of the two or more different software systems by using a WHERE clause. In addition to this, a buyer may, operating within their own system from which they sent a request, review their transactions via a shopping cart, see paragraph [0546]);

Indexing the documentation items according to the at least one key value and transaction identifier (see Horn et al. paragraph [0521]);

Archiving the documentation items in a data storage system or device (see Horn et al. paragraph [0508] and [0519]-[0521]); and

Logging one or more of a date and time associated with at least some of the documentation items (see paragraphs Horn et al. [0509]-[0515] and [0522]), and

wherein all documentation items relating to a transaction are retrievable using one of the key values of the two or more different software systems from which the electronic data relating to the transaction was received (see Horn et al. paragraph [0521]. The Transaction Table has several foreign keys that allow queries to be done on the transactions).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Abjanic by the teachings of Horn et al., because Horn et al. teaches “a comprehensive system effectuates global electronic

Art Unit: 2164

commerce on the Internet across frontiers of nations, cultures, and languages” and “personalized Web pages allow comprehensive customer service after a sale” (see Abstract).

As to claim 3, Abjanic teaches a system comprising:

a processor (see 2:65-3:9);

a memory coupled to the processor (see 2:65-3:9) and storing instructions operable on the processor to:

operatively couple the system via a first interface with a first external system producing first electronic data relating to a transaction involving documentation communicated in an electronic form, wherein the first electronic data includes at least a first key value (see 3:52-65, 4:43-49, 5:51-67);

operative couple the system via a second interface with a second external system producing second electronic data relating to the transaction, wherein the second electronic data includes at least a second key value (see 3:52-65, 4:43-49, 5:51-67); and

Process copies of the first and second electronic data to identify electronic documentation items and at least one key value associated with an electronic documentation item (see 4:43-49 and 5:51-67);

Abjanic does not teach:

Use the key value to look up a unique transaction identifier associated with the transaction;

Horn et al. teaches:

Use the key value to look up a unique transaction identifier associated with the transaction (see paragraphs [0508] and [0519]-[0521]. Paragraph [0521] states that queries may be used to identify the purchase of a particular product during a particular shopping session. Thus, an ItemID can be used to identify a Unique Transaction ID);

Abjanic as modified teaches:

Index the documentation items according to key value and unique transaction identifier (see Horn et al. paragraph [0521]);

Archive the documentation items (see Horn et al. paragraph [0508] and [0519]-[0521]); and

Log one or more of a date and time associated with at least some of the documentation items (see Horn et al. paragraphs [0509]-[0515] and [0522]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Abjanic by the teachings of Horn et al., because Horn et al. teaches “a comprehensive system effectuates global electronic commerce on the Internet across frontiers of nations, cultures, and languages” and “personalized Web pages allow comprehensive customer service after a sale” (see Abstract).

### ***Response to Arguments***

7. Applicant's arguments filed 25 June 2008 have been fully considered but they are not persuasive.



Applicant argues that “Applicant has amended the claim to clarify that the received electronic data is produced by the two or more different software systems and that the key values included in this data are used to identify the transaction of one software system to the transaction identifier. The result is that the key values from any of the individual two or more software systems may be used to retrieve all documentation items relating to a transaction, even the documentation items produced and received from another of the two or more software systems”. In response to this argument, it is noted that the summary provided does not exist in the limitations of the claim language. Examiner cannot find any specific “transaction identifier” unit that “the key values included in this data are used to identify the transaction of one software system to”. Examiner also does not see any mention of using key values from one documentation item to identify documentation items received from a different system, but rather “wherein all documentation items relating to a transaction are retrievable using one of the key values of the two or more different software systems from which the electronic data relating to the transaction was received”. As can be seen above, Horn et al. teaches to retrieve all documentation items retrievable by a key value of one of the two or more systems.

Applicant also argues, in regards to the cited paragraphs of Horn et al., that “what this paragraph seems to be saying is that the transactions including a purchase of a product may be retrieved using the product ID. There may be unique transaction, but

Art Unit: 2164

this is not saying that a product is purchased in only one transaction. Thus, a single ItemID may be associated with many Unique Transaction ID's. This is simply not the same as a key value used to identify the transaction within one of the two or more different software systems from which the electronic data relating to the transaction was received". In response to this argument, it is noted that an item ID may be used to search for, and identify, transaction IDs, as noted in paragraph [0521], of Horn et al., which may be used to identify transactions that occurred within one of the two or more different software systems. In addition to this, Transaction identifiers are associated with Customer Identifiers (see paragraph [0519] and [0521]).

Applicant argues "that if combined as suggested in the Office Action, the combination of Abjanic and Horn teaches a system that allows for multiple transactions to be retrieved based on a single ItemID. This is a distinct system and method from that which is claimed." In response to that argument, Examiner notes that, as cited above, Horn et al. teaches to use a key value, such as an ItemID, to look up unique transaction identifiers associated with the transaction. Horn et al. then teaches wherein transactions include one unique transaction identifier and two or more associated key values (see paragraphs [0517], [0519]-[0521]). Horn et al. teaches wherein each key value is a key value used to identify the transaction within one of the two or more different software systems from which the electronic data relating to the transaction was received (see Horn et al. paragraphs [0517] and [0519]-[0521]). The ItemID key is used to identify the transaction that occurred within one of the two or more different software systems by

Art Unit: 2164

using a WHERE clause). There is no language in the claims that prevents having multiple transactions retrieved.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES D. ADAMS whose telephone number is (571)272-3938. The examiner can normally be reached on 8:30 AM - 5:00 PM, M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2164

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. D. A./  
Examiner, Art Unit 2164

/Charles Rones/  
Supervisory Patent Examiner, Art Unit 2164